

The Honorable Barbara J. Rothstein

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST ENVIRONMENTAL  
ADVOCATES,

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, *et al.*

Defendants,

and,

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

Defendant-Intervenor.

Case No. 2:19-cv-01537-BJR

**COMBINED JOINT STATUS  
REPORT AND STIPULATED  
SCHEDULING MOTION AND  
ORDER**

The Parties to this case have been exploring settlement for the past several months. Following the Parties' most recent status report, filed on December 1, 2020, the Court ordered the Parties to "file a status report no later than March 1, 2020, apprising the Court of the status of

1 their discussions concerning a possible settlement.” Dkt. No. 43. The Parties’ negotiations are  
2 ongoing. The Parties request an additional 150 days to continue those negotiations.

3 Over the past three months, the Parties have explored approaches for resolving a set of  
4 issues in this case related to the listing of impaired waters under Section 303(d) of the Clean  
5 Water Act, 33 U.S.C. § 1313(d). These talks have involved multiple conferences among counsel  
6 and the participation of staff from the Defendant federal and state agencies as well as the  
7 Plaintiff. Although the Parties intend to continue their discussions on those issues, they now  
8 intend to turn to a set of issues related to the development of Total Maximum Daily Loads, or  
9 TMDLs. As such, the Parties believe that affording them a 150-day period to address this block  
10 of issues in their efforts to reach a settlement, before establishing dates for or initiating any  
11 contested proceedings to resolve the claims in this case, would greatly facilitate those  
12 discussions, as well as potentially preserving the resources of the Parties and the Court.

13 Accordingly, the Parties jointly request that the Court order them to file a status report by  
14 July 29, 2021, to advise the Court of the status of their discussions and whether they request  
15 additional time to pursue settlement should that be appropriate. Alternatively, if the Parties  
16 conclude that additional discussions are not warranted at that time, then the Parties request that the  
17 Court direct them to file no later than August 17, 2021, a supplemental joint status report and  
18 proposed schedule that addresses the remaining matters in the Court’s initial scheduling order.  
19 Doc. No. 10.

#### 20 ORDER

21 Based on the foregoing joint motion and stipulation, and for good cause shown, the Parties  
22 shall file a status report no later than July 29, 2021, apprising the Court of the status of their  
23 discussions concerning a possible settlement and indicating whether they request additional time  
24 to pursue such discussions. In the event the Parties conclude that such additional discussions are  
25 not warranted, the Parties shall file no later than August 17, 2021, a supplemental joint status report  
26 and proposed schedule that addresses outstanding matters in the Court’s initial scheduling order.

1 It is so ordered, this 2nd day of March, 2021.

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6 Hon. Barbara J. Rothstein  
7 United States District Judge  
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1 Respectfully submitted and stipulated to:

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3 By:

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5 /s/ Gus Maxwell

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